

## **REMARKS/ARGUMENTS**

Claim 1 -8, 11, 13, 15-36, 39-42, 44-49, 51-53, 56-59, 62, 64-67, 70-75, 77-86, 90-97, 100, 101, 104-111 and 113-116 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Freeman et al. (“Freeman,” U.S. Patent Application Publication No. 2004/0261127), in view of Gerszberg et al. (“Gerszberg,” U.S. Patent Application Publication No. 2003/0142664) and further in view of Koenig (“Koenig,” U.S. Patent No. 7,054,831).

Further, claims 9, 10, 50, 60, 68, 69, 98 and 99 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Freeman, in view of Gerszberg, in view of Koenig, in view of Spiegel et al. (“Spiegel,” U.S. Patent No. 6,466,918).

Also, claim 12 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Freeman, in view of Gerszberg, in view of Koenig and further in view of Quinlan et al. (“Quinlan,” U.S. Patent Application Publication No. 2004/0215514).

Moreover, claims 37, 38, 87 and 88 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Freeman, in view of Gerszberg, in view of Koenig and further in view of Robbins et al. (“Robbins,” U.S. Patent No. 5,784,095).

Finally, claims 54, 55, 102 and 103 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Freeman, in view of Gerszberg, in view of Koenig and further in view of Pease et al. (“Pease,” U.S. Patent No. 5,855,515).

Applicant respectfully traverses these rejections.

Applicant respectfully notes that the Examiner has not addressed the reasons for the rejection of claims 115 and 116. In particular, the Examiner has not “clearly articulated [the] rejection ... so that the applicant has the opportunity to provide evidence of patentability and otherwise reply,” as set forth in 37 C.F.R. §104(C)(2). Also and as set forth in 37 C.F.R. §104, the Examiner has not “clearly explained” the “pertinence” of the references with respect to “each rejected claim specified.” Moreover, the Examiner has not cited to the “relevant teachings of the prior art relied upon” in connection with claims 115 and 116, as set forth in MPEP 706(02)(j), nor has the Examiner cited the “difference or differences in the claim over the applied reference(s), the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification.”

Accordingly, applicant respectfully submits that the rejection of claims 115 and 116 is improper, the rejection should be withdrawn and that claims 115 and 116 are patentable.

Applicant submits that features defined in claims 1, 31, 62, 83, 109, 115 and 116 are not taught, suggested or disclosed by either Freeman, Gerszberg and Koenig, nor does the combination of those references teach, suggest or disclose the missing features of applicant's claims 1, 31, 83, 109 and 115. Since these features are missing from each of Freeman, Gerszberg and Koenig, the combination of those references cannot render the claims obvious under 35 U.S.C. §103(a).

The combined missing features in applicant's claim 1 include "arranging a web site and a television broadcast in the form of a game," "capturing marketing data from at least two web site users," "capturing user preference data from the at least two web site users, wherein the user preference data selectively affect the interactivity options of other users and version content viewed by the at least one television viewer." The combined missing features in applicant's claim 1 further include "promoting products and services which correspond to the captured marketing data via the web site or the television broadcast, wherein a first of the at least two web site users uses the web site to affect content in the game as a function of information provided thereto in relation to a second of the at least two web site users being featured audibly and visibly."

Applicant's other independent claims, namely 31, 62, 83, 109, 115 and 116 also include these missing features.

Applicant respectfully submits that the Examiner's cited combination of three references, i.e., Freeman, Gerszberg and Koenig, does not teach, suggest or disclose the missing features of applicant's claims 1, 31, 62, 83, 109, 115 and 116. As noted below, although each of the references may teach various elements of applicant's claims 1, 31, 62, 83, 109, 115 and 116, all of the missing features are not taught, disclosed or suggested by any one of the references, nor are the missing features taught, disclosed or suggested by the combination of references.

Freeman is directed to enabling a user to control material that the user views by providing interactivity via multiple video streams associated with different camera angles of a television program, and integrated audio and graphics segments (see abstract). Also, Freeman allows information obtained from Web sites to be integrated into the stream of content provided to a user. For example, paragraph 11, Freeman teaches that the "digital interactive system is based

upon branches[.]” and the “branches are real-time parallel paths that may be other full-motion video segments ... that are integrated into the live event.” At paragraph 45, Freeman describes, for example, different camera angles, slow motion video, prerecorded interactive segments, etc. Applicant respectfully submits that this is patentably distinct from web site users who are “featured audibly and visibly” during a “television broadcast.” Further, at paragraph 13, Freeman describes video signals corresponding to different cameras being forwarded to a central control studio, and transmitted with codes over a cable distribution system. The codes enable the user to select the respective portions of content the user wishes to view. The codes, however, do not affect “interactivity options of other users” and “version content viewed” a television viewer.

Thus, Freeman does not teach, disclose or suggest “users of the Internet site use [the] Internet site to be featured audibly and visibly in the broadcast television program.” Further, Freeman does not teach, disclose or suggest “capturing user preference data from at least two web site users, wherein the user preference data selectively affect the interactivity options of other users and the version content viewed by the at least one television viewer.”

Gerszberg, the second of the three reference combination, is cited by the Examiner for allegedly teaching “interactive television, product catalogs related to the content, tracking user profile and preference information and presenting content of interest to the user.” The Examiner concludes that “it would have been obvious to one having ordinary skill ... to add Gerszberg’s electronic catalog and tailored content to Freeman’s providing product purchasing opportunities[.]”

Applicant respectfully submits that Gerszberg does not teach or suggest the missing features. Gerszberg describes a “network server platform for a hybrid coaxial/twisted pair local loop network service architecture.” By providing a hybrid network architecture, “bandwidth facilities” are “available over either [coaxial cable or twisted pair] ... to customer devices” (see abstract). This architecture enables cable television and telecommunications services to be provided by a single “interexchange or telephone company” for subscribers. Gerszberg teaches that this architecture improves interactivity and permits a network server platform to “serve both the cable television coaxial cable and a telephone twisted pair network” (see paragraph 14).

More particularly, Gerszberg does not teach, disclose or suggest “users of the Internet site uses [the] Internet site to be featured audibly and visibly in the broadcast television program.”

Further, Gerszberg does not teach, disclose or suggest capturing user preference data from the at least two web site users, wherein the user preference data selectively affect the interactivity options of other users and version content viewed by the at least one television viewer.”

Moreover, Gerszberg does not teach, disclose or suggest “promoting products and services which correspond to the captured marketing data via the web site or the television broadcast,” nor does Gerszberg teach, disclose or suggest a “first” user “uses the web site to affect content in the game as a function of information provided thereto in relation to a second” user “being featured audibly and visibly.”

Koenig, the third of the references, is cited for allegedly teaching that one more of the web site users uses a web site to be featured audibly and visibly during a television broadcast. Koenig, however, does not teach, disclose or suggest “promoting products and services which correspond to captured marketing data via the web site or the television broadcast.” Moreover, Koenig does not teach, disclose or suggest “capturing user preference data from the at least two web site users, wherein the user preference data selectively affect the interactivity options of other users and version content viewed by the at least one television viewer.”

Thus, the combination of those references cannot teach, suggest or disclose the applicant’s invention defined in claims 1, 31, 62, 83, 109, 115 and 116. For the above reasons, even if one were to combine Freeman, Gerszberg and Koenig, as the Examiner has done, applicant’s claims 1, 31, 62, 83, 109, 115 and 116 still would not be taught. Therefore and for the foregoing reasons, applicant submits that claims 1, 31, 62, 83, 109, 115 and 116 are not obvious, and, further are patentable.

Furthermore, Spiegel, Quinlan, Robbins and Pease, also do not supply the elements of applicant’s independent claims that are missing from the combined teachings of Freeman, Gerszberg and Koenig. Therefore, the claims that respectively depend from applicant’s independent claims are similarly not obvious.

Spiegel, for example, is directed to a hierarchical browse structure for identifying nodes. Quinlan regards redeeming product marketing rebate claims by a consumer. Robbins teaches a graphical interface to provide a television channel “in-band” and “out-of-band” program information to a subscriber for visually scanning and viewing information including for channels not being viewed by a subscriber. Pease regards a casino gaming system in which a central

system “need not directly award a prize to a player at an individual gaming device or terminal” (see column 1, line 65-column 2, line 2). None of these reference teach, disclose or suggest “capturing user preference data from the at least two web site users, wherein the user preference data selectively affect the interactivity options of other users and version content viewed by the at least one television viewer.”

Therefore, claims 2-13, 15-30, 33-42, 45-60, 64-75, 77-82, 84-88, 90-107, 110, 111 and 113 depend directly or indirectly from claims 1, 31, 62, 83 and 109, respectively, and are patentable for the same reasons as well as because of the combination of features in those claims with the features set forth in the claim(s) from which they depend. In particular each of those claims includes the missing features described above. Reconsideration is respectfully requested.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

THIS CORRESPONDENCE IS BEING  
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Respectfully submitted,



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